IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.5148 and 6536 of 1996

1. Writ Petition No.5148 of 1996

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Between:

D. Peddi Raju S/o Ramaraju,
R/o 17, T.T.D. Officer's Quarters, Tirupathi,
Chittoor Dist.

...PETITIONER

AND

1 The Executive Officer,
T.T.D., Tirupathi, Chittoor District.

2 The Manager, T.T.D.Kalyana Mandapam, M.V.P.Colony,

Visakhapatnam-17

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, one preferably in the nature of writ of Mandamus declaring the action of the Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor Dist., 1st Respondent herein in not absorbing the petitioner herein as Work Inspector on regular basis in Tirumala Tirupathi Devasthanams Service as illegal, arbitrary and violative of Articles, 14, 21 & 300-A of the Constitution of India and consequently direct the 1st Respondent herein to absorb the petitioner herein

as Work Inspector on regular basis in Tirumala Tirupathi Devasthanams Service.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondents: Smt.N.K.ANNAPURNA DEVI, SC for TTD

2. Writ Petition No.6536 of 1996

Between:

Y.Kanaka Durga Rao, S/o.Sri Y.Babu Rao, 25 years, R/o.flar No.113, Sector-6, M.V.P. Colony, Visakhapatnam, Visakpahatnam District.

…PETITIONER

AND

1. The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.
2. The Manager, T.T.D. Kalyana Mandapam, M.V.P. Colony, Visakhapatnam.
3. The Executive Engineer, Tirumala Tirupathi Devasthanams, VI Division, Vijayawada, Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, one preferably in the nature of Writ of Mandamus declaring the action of the Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District, 1st respondent herein in not absorbing the petitioner herein on regular basis in Tirumala Tirupathi Devasthanams service as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and consequentially direct the 1st respondent herein to absorb the petitioner on regular basis in Tirumala Tirupathi Devasthanams service.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondents: Mr.A.K.JAYA PRAKASH RAO (SC FOR TTD)

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5148 And 6536 Of 1996

COMMON ORDER:

Since common questions are involved in these two Writ Petitions, they are taken up together for disposal with this common order.

Heard the learned counsel for the petitioners and also Sri A.K.Jaya Prakash, learned Standing Counsel appearing on behalf of the respondents.

The petitioners herein filed the present Writ Petitions *inter alia* seeking a writ of mandamus declaring the action of the respondents herein in not absorbing the petitioners on regular basis in Tirumala Tirupathi Devasthanams service ('TTD' for short) service, as illegal and also violation of Articles 14, 21 and 300-A of the Constitution of India and for a consequential direction to direct the first respondent to absorb them into TTD service on regular basis.

The case of the petitioners is that the petitioner in W.P.No.5148 of 1996 having completed I.T.I. Draughtsman Civil Certificate Course and the petitioner in W.P.No.6536 of 1996 having completed SSC Examination, have joined in service in respect of construction of Kalyana Mandapam for the purpose of TTD by the Visakhapatnam Urban Development Authority (VUDA). Subsequent to its construction the petitioners along with other staff were handed over to TTD, as evident from the proceedings dated 13.02.1991. The petitioners along with three employees were handed over to the respondents and in spite of the same, they were not regularly absorbed into service with the TTD, though one of them, namely P.Dharma Raju was absorbed to a permanent post. Hence, they filed the present Writ Petitions.

It is contended on behalf of the respondent through a counter-affidavit filed by them that the petitioners have no right and further, respondent has never absorbed the petitioners nor any other as such. Further, handing over of the petitioners to the TTD does not create any right to them. In respect of one P.Dharma Raju, he was only appointed as a watchman on daily wage basis. Hence, the Writ Petitions are liable to be dismissed.

Sri A.V.Sesha Sai, learned counsel for the petitioners submitted that having regard to the handing over of the petitioners along with other employees with the material to the TTD as long back as on 13.01.1991, they were well accepted by the respondents. The petitioners should not have been given an appointment and for that, he has also placed reliance on the correspondence dated 29.10.1994 and also the report dated 05.11.1995 to buttress his claim. It is also pointed out that the

petitioners have filed representations on 09.03.1975 and on 07.04.1975 respectively and yet the same were remained under consideration.

Learned Standing Counsel appearing on behalf of the respondent strongly repelled the contentions raised on behalf of the petitioners submitting that the petitioners have no enforceable right.

Considering the submissions made and also on perusal of the material available on record, the only question that falls for consideration is whether the petitioners have any enforceable right as against the respondents.

There is no dispute with the fact that the petitioner along with other employees were engaged by VUDA for the purpose of construction of Kalyana Mandapam at Visakhapatnam, which has been entrusted to the said authority. After completion of the construction along with the material, the men including the petitioners were also handed over to the respondent. Reliance has been placed on the report suggesting induction of the said employees with the respondent herein. However, the fact remains that the petitioners nor other employees who have been engaged by VUDA were never engaged by the TTD nor there is specific agreement or rule or proceeding governing such a situation. The petitioners have no relationship nor have any enforceable right. Just because they were handed over at the time of giving charge of the material, that itself would not create any right in their favour. Even one of the said employees was taken on service on daily wage basis and that also would not create any right in favour of the petitioners. Hence, I do not find any enforceable right to seek any such employment or absorption with the

respondent herein. In view of the same, I do not find any merits in the Writ Petitions.

Both the Writ Petitions are accordingly dismissed. However, it shall be open to the petitioners herein to approach the respondents by way of any representation to consider their cases in the event of any exigency or for any work required which shall be considered independently.

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(B.PRAKASH RAO, J)

29th November 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.
2. The Manager, T.T.D. Kalyana Mandapam, M.V.P. Colony, Visakhapatnam.
3. The Executive Engineer, Tirumala Tirupathi Devasthanams,

VI Division, Vijayawada, Krishna District.

4. Two CD copies.